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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/655,841	09/05/2003	Lawrence W. Midland	36491P008	7066
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8791 7590 09/01/2005

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EXAMINER

BROWN, VERNAL U

ART UNIT

PAPER NUMBER

2635

DATE MAILED: 09/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/655,841

Applicant(s)

MIDLAND ET AL.

Examiner

Vernal U. Brown

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/22/03</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

The application of Lawrence Midland for Data Entry Systems with Biometric Devices for Security Access Control filed September 5, 2003 has been examined. Claims 1-22 are pending.

#### ***Claim Objections***

Claims 1-9 are objected to because of the following informalities: Claims 1-9 uses the term "capable of". It has been held that the recitation that an element is capable of performing a function is not a positive limitation but only requires the ability to so perform. It does not constitute a limitation in any patentable sense. In re Hutchinson, 69 USPQ 138. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-11, 13-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narayanaswami US Patent 6720860 in view of Gaides US Patent 6905219 and further in view of Ritter US Patent 6657538.

Regarding claims 1 and 10, Narayanaswami teaches a security device comprising: a keypad/display having a plurality of code symbol display positions, each for displaying any one of a plurality of code symbols (col. 8 lines 28-33), the keypad/display changing the display

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position of code symbols on each operation of the keypad/display (col. 8 lines 37-39, col. 8 lines 50-55). Narayanaswam is however silent on teaching the code symbols being restricted so as to be viewable by a display user only when the user's face is located in a particular position relative to the keypad/display and a biometric device associated with the display and capable of acquiring data from at least a portion of said user's face situated in said particular region and capable of performing biometric recognition of said user using said data; the biometric device being activated in response to or in conjunction with the initiation of the entry of a code responsive to the code symbols displayed. Gaides in an art related display device teaches a display that is viewable user only when the user's face is located in a particular position relative to the display in order to restrict the viewing angle of the display. Ritter in an art related authentication system teaches a biometric device (2) associated with a mobile terminal associated with the display of mobile terminal (col. 4 lines 25-30). Ritter teaches the biometric device acquiring data from at least a portion of said user's face situated in said particular region and capable of performing biometric recognition of said user using said data (col. 4 lines 25-40). Ritter teaches the biometric device is activated in response to or in conjunction with the initiation of the entry of a code by inserting the SIM-card representing an alternative to inputting the identification using the symbols.

It would have been obvious to one of ordinary skill in the art for code symbols being restricted so as to be viewable by a display user only when the user's face is located in a particular position and to have a biometric device associated with the display for acquiring data from at least a portion of the user's face situated in said particular region in Narayanaswami as evidenced by Gaides in view of Ritter because Narayanaswami suggests a display having a

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plurality of symbols for inputting a password and Gaides suggests limiting the viewing angle of a password input screen in order to prevent theft of the password and Ritter teaches biometric device coupled with a password input means for acquiring data from a user's face situated in a particular region in order to identify a person.

Regarding claims 2 and 11, Narayanaswami teaches a touch panel is used to select the code symbols (col. 3 lines 3-5) and also teaches the use of manual operable keys for inputting code (col. 1 lines 26-30) into a device for authenticating a person.

Regarding claims 4-6 and 14-16, Narayanaswami teaches authenticating a person based on the input code (col. 8 lines 28-33) and the reference of Ritter teaches authenticating a person using a code input means combined with a biometric system (col. 4 lines 25-30). Ritter further teaches the biometric system includes facial recognition and eye pattern detection means (col. 4 lines 16-21) and the biometric device includes a camera (col. 2 lines 42-47) and one skilled in the art recognizes that eye pattern detection includes iris and retina pattern detection for identifying a person.

It would have been obvious to one of ordinary skill in the art to have a biometric system includes facial recognition, retina and iris recognition in Narayanaswami in view of Gaides as evidenced by Ritter because Narayanaswami in view of Gaides suggests authenticating a person based on the input codes and the reference of Ritter teaches authenticating a person using a code input means combined with a biometric system. Ritter further teaches the biometric system includes facial recognition and eye pattern detection means and one skilled in the art recognizes that eye pattern detection includes iris and retina pattern detection for identifying a person.

Regarding claim 13, Narayanaswami teaches the code entered is compared with the predetermined criteria (password choice) for recognition (col. 8 lines 26-33) and the predetermined criteria (password choice) is compared for recognition of the user (col. 9 lines 12-15).

Regarding claim 17, Narayanaswami teaches a security device comprising: a keypad/display having a plurality of code symbol display positions, each for displaying any one of a plurality of code symbols (col. 8 lines 28-33), the keypad/display changing the display position of code symbols on each operation of the keypad/display (col. 8 lines 37-39, col. 8 lines 50-55). Narayanaswami also teaches performing a specified function in response to the access code matching the authorized access code (col. 10 lines 53-57). Narayanaswami is however silent on teaching the code symbols being restricted so as to be viewable by a display user only when the user's face is located in a particular position relative to the keypad/display and a biometric device associated with the display and capable of acquiring data from at least a portion of said user's face situated in said particular region and capable of performing biometric recognition of said user using said data; the biometric device being activated in response to or in conjunction with the initiation of the entry of a code responsive to the code symbols displayed. Gaides in an art related display device teaches a display that is viewable user only when the user's face is located in a particular position relative to the display in order to restrict the viewing angle of the display. Ritter teaches the biometric device acquiring data from at least a portion of said user's face situated in said particular region and capable of performing biometric recognition of said user using said data (col. 4 lines 25-40). Ritter teaches the biometric device is activated in

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response to or in conjunction with the initiation of the entry of a code by inserting the SIM-card representing an alternative to inputting the identification using the symbols.

It would have been obvious to one of ordinary skill in the art for code symbols being restricted so as to be viewable by a display user only when the user's face is located in a particular position and to have a biometric device associated with the display for acquiring data from at least a portion of the user's face situated in said particular region in Narayanaswami as evidenced by Ritter because Narayanaswami suggests a display having a plurality of symbols for inputting a password and Ritter teaches biometric device coupled with a password input means for acquiring data from a user's face situated in a particular region in order to identify a person.

Regarding claim 18, Narayanaswami teaches local memory 58 and 59 for storing the code (col. 4 lines 20-21).

Regarding claims 19-21, Narayanaswami teaches local memory 58 and 59 for storing the code but is silent on teaching the code is stored in a remote memory accessible through the network. Ritter in an art related authentication system teaches the code is stored in a remote memory of the server accessible through the network (col. 3 lines 40-45) in order to provide additional security in securing the access code database.

It would have been obvious to one of ordinary skill in the art to store the code in a remote memory accessible through the network in Narayanaswami as evidenced by Ritter because Narayanaswami suggests memory for storing the codes and Ritter teaches the code is stored in a remote memory of the server accessible through the network in order to provide additional security in securing the access code database.

Regarding claim 22, Narayanaswami teaches a security device comprising: a display having a plurality of code symbol display positions, each for displaying any one of a plurality of code symbols (col. 8 lines 28-33), the keypad/display changing the display position of code symbols on each operation of the keypad/display (col. 8 lines 37-39, col. 8 lines 50-55). Narayanaswami teaches varying of the spatial positions of the code symbols on the display (col. 8 lines 37-39, col. 8 lines 50-55) and performing a specified function in response to the access code matching the authorized access code (col. 10 lines 53-57). Narayanaswami teaches a comparison of access code with the authorized access code (col. 8 lines 26-33). Narayanaswami is however silent on teaching the code symbols being restricted so as to be viewable in a certain position, a camera for obtaining digital data relating to the user. Gaides in an art related display device teaches a display that is viewable user only when the user's face is located in a particular position relative to the display in order to restrict the viewing angle of the display. Ritter in an art related authentication system teaches a camera for obtaining digital data relating to the user (col. 2 lines 42-47). Ritter teaches the camera is activated in response to or in conjunction with the initiation of the entry of a code by inserting the SIM-card representing an alternative to inputting the identification using the symbols (col. 4 lines 16-25).

It would have been obvious to one of ordinary skill in the art for code symbols being restricted so as to be viewable by a display user only when the user's face is located in a particular position and to have a biometric device associated with the display for acquiring data from at least a portion of the user's face situated in said particular region in Narayanaswami as evidenced by Gaides in view of Ritter because Narayanaswami suggests a display having a plurality of symbols for inputting a password and Gaides suggests limiting the viewing angle of a



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password input screen in order to prevent theft of the password and Ritter teaches biometric device coupled with a password input means for acquiring data from a user's face situated in a particular region in order to identify a person.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Narayanaswami US Patent 6720860 in view of Gaides US Patent 6905219 in view of Ritter US Patent 6657538 and further in view of Angelo et al. US Patent 6330674.

Regarding claim 7, Narayanaswami in view of Gaides in view of Ritter teaches the use of a camera in a face recognition system (US Patent 6657538, col. 2 lines 42-47) but is silent on teaching the camera is a solid state camera. Angelo et al. in an art related biometric system teaches the use of a solid state camera in a biometric system (col. 3 lines 19-22) for accurately detecting a biometric feature.

It would have been obvious to one of ordinary skill in the art to use a solid state camera in the biometric system in Narayanaswami in view of Gaides in view of Ritter as evidenced by Angelo et al. because Narayanaswami in view of Gaides in view of Ritter suggests the use of a camera in a face recognition system and Angelo teaches the use of a solid state camera in a biometric system for accurately detecting a biometric feature.

Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Narayanaswami US Patent 6720860 in view of Gaides US Patent 6905219 in view of Ritter US Patent 6657538 and further in view of Hunter US Patent 5524371.

Regarding claims 8-9, Narayanaswami in view of Gaides in view of Ritter teaches a display for displaying the code symbols (US Patent 6720860, col. 8 lines 28-33) but

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is silent on teaching the display is rotatable about a horizontal axis to allow persons of different height to conveniently view the code symbols. Hunter in an art related display apparatus teaches a display is rotated about an axis (col. 4 lines 45-54) in order to allow a person to conveniently view the display.

It would have been obvious to one of ordinary skill in the art for display is rotatable about a horizontal axis to allow persons of different height to conveniently view the code symbols in Narayanaswami in view of Gaides in view of Ritter as evidenced by Hunter because Narayanaswami in view of Gaides in view of Ritter suggests a display for display for displaying the code symbols and Hunter teaches a display is rotated about an axis in order to allow a person to conveniently view the display.

***Allowable Subject Matter***

Claims 3 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Regarding claims 3 and 12, the prior art of record fail to teach or suggests a microphone and associated speech recognition capability for entry of a code by recognizing a spoken sequence of code symbols corresponding to the symbols then being displayed in a predetermined spatial sequence of code symbol display positions.

*Conclusion*

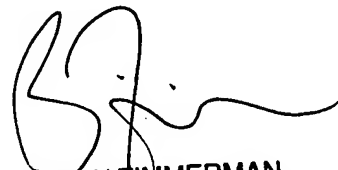
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vernal U. Brown whose telephone number is 571-272-3060. The examiner can normally be reached on 8:30-7:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 571-272-3068. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Vernal Brown  
August 24, 2005



BRIAN ZIMMERMAN  
PRIMARY EXAMINER